

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

This matter is before the Court on Defendant's Motion to Compel ([Filing No. 127](#)) and "Notice of Discovery Request" ([Filing No. 133](#)). These motions will be denied.

Defendant's Motion to Compel ([Filing No. 127](#)) requests that the government provide Defendant with paper copies of certain discovery documents as ordered by the Court on April 27, 2017. ([Filing No. 67](#).) However, the government already produced these documents to Defendant as ordered. (*See* [Filing No. 144-1](#); [Filing No. 144-2](#).) Therefore, Defendant's Motion to Compel will be denied as meritless.

Defendant's "Notice of Discovery Request" ([Filing No. 133](#)), which the Court liberally construes as a motion, requests that Defendant be provided daily transportation to a location to view the seized child pornography, and that the government make copies of the material and provide it to his son or others for analysis. This motion will be denied, as [18 U.S.C. § 3509\(m\)](#) prohibits the reproduction of child pornography in a criminal proceeding when the government makes the property available to Defendant. The government has indicated that it will make the seized material available to Defendant, and has advised that it will do so within the next week. The Court will not order that copies of the materials be made available to Defendant's son for analysis. Defendant has provided no evidence that his son is a qualified forensic expert. If Defendant has a qualified expert, arrangements can be made with the United States Attorney for the qualified expert to inspect, view and examine the evidence at a government facility as required by [18 U.S.C. § 3509\(m\)](#).

Accordingly,

IT IS ORDERED that Defendant's Motion to Compel ([Filing No. 127](#)) and "Notice of Discovery Request" ([Filing No. 133](#)) are denied.

Dated this 7th day of June, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge